



# DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	PHASE DIVERSITY METHOD AND APPARATUS USING FOURIER TRANSFORM SPECTROSCOPY
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As the below named inventor(s), I/we declare that:

This declaration is directed to:

☐ The attached application, or

☒ Application No. 10/821,714, filed on April 9, 2004,

☐ as amended on \_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)	
Inventor one:	<u>Richard Lee Kendrick</u>
Signature:	<u>[Signature]</u> Citizen of: <u>U.S.</u>
Inventor two:	<u>Eric H. Smith</u>
Signature:	<u>[Signature]</u> Citizen of: <u>U.S.</u>
Inventor three:	
Signature:	
Inventor four:	
Signature:	
<input type="checkbox"/> Additional inventors or a legal representative are being named on ____ additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No.: 070602-0492

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Richard L. Kendrick, et al

Customer Number: 31824

Serial No.: 10/821,714

Filing Date: April 9, 2004

For: PHASE DIVERSITY USING  
FOURIER TRANSFORM  
SPECTROSCOPY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REVOCATION OF POWER OF ATTORNEY, APPOINTMENT  
AND CERTIFICATION UNDER 37 CFR 3.73(B)**

Sir:

The undersigned Assignee of the above-identified application hereby revokes all previous Powers of Attorney and appoints the following attorneys with full power to prosecute the application, to make alterations and amendments therein, and to transact all business in the United States Patent Office connected therewith.

I hereby appoint the practitioners associated with the firm and Customer Number provided below:

McDERMOTT, WILL & EMERY  
Customer Number: 31824

Please address all future correspondence and direct all telephone inquiries to:

McDERMOTT, WILL & EMERY  
18191 Von Karman Ave., Suite 400  
Irvine, CA 92612-0187

Telephone: (949) 851-0633  
Facsimile: (949) 851-9348

**CERTIFICATE UNDER 37 CFR 3.73(b)**

LOCKHEED MARTIN CORPORATION, a corporation of Maryland, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An Assignment from the inventor(s) of the patent application identified above. A copy of the assignment is enclosed herewith.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

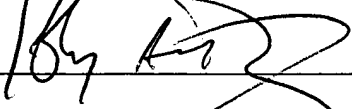
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

The undersigned further declares that all statements made herein of its own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States

Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

LOCKHEED MARTIN CORPORATION

Dated: 5/10/04 By:   
Name: Jeffrey A. Divney, Esq.  
Title: General Counsel, Intellectual Property

Docket No.: 070602-0492

ASSIGNMENT

WHEREAS WE, Richard Lee Kendrick and Eric H. Smith of 468 Transom Lane, Foster City, CA 94404, and 1493 Myrtle Avenue, San Jose, CA 95118, respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled PHASE DIVERSITY METHOD AND APPARATUS USING FOURIER TRANSFORM SPECTROSCOPY, executed by me on the date of execution of this document, as shown below, for which an application for United States Letters Patent was filed on April 09, 2004, and identified by United States Serial No. 10/821,714;

AND WHEREAS, Lockheed Martin Corporation, a corporation of the State of Maryland and having an address of 6801 Rockledge Drive, Bethesda, MD 20817 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

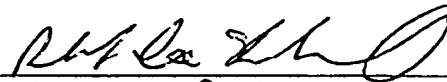
NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto Lockheed Martin Corporation, its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including the right of priority and including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND We request the Commissioner for Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said Lockheed Martin Corporation, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

July 26, 2004  
Date

July 26, 2004  
Date



Richard Lee Kendrick



Eric H. Smith